the Bill. Who is to pay the cost of carrying out the remedial measures that might be required for the eradication, prevention and arrest of a pest? If, in carrying out such measures, trees assessed to the revenue have to be destroyed, are the owners of such trees still to be liable for the payment of the assessment thereon till the next Settlement? Are the ryots who, in carrying out the remedial measures enjoined to be carried out by them, have to destroy valuable trees, assessed and unassessed to the revenue, to receive any compensation and if so, who is to fix it and what is the basis on which it ought to be calculated? To none of these questions I see a clear answer in the Bill now under consideration. The owner or occupier of a holding may be the person who is immediately benefited by carrying out the remedial measures with regard to the pest which affects the plants in his holding, but the object of all such measures is to prevent the pest from spreading its evil effects in such a way as to affect the public at large. It is therefore the bounden duty of Government who represent the public to defray all the expenses in connection with the carrying out of all the remedial measures that may be enforced under the Bill and to see that no individual suffers any loss or damage by their acts. With these few observations, I beg to support the principle of the Bill."

Mr. Subba Aiyar :—

"With reference to the observations of Mr. Govinda Menon, I may state that they will be duly considered by the Select Committee and by the Council, and that the defects, if any, will be rectified."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Vieyra, Govinda Menon and the Mover, to report within three months.

Seconded by Mr. Rengaswamy Aiyangar.

Carried.

THE ANIMALS DISEASES BILL.

Mr. Subba Aiyar then introduced the Animals Diseases Bill, and spoke as follows :—

"Sir,

I beg to introduce a Bill for the prevention of the spread of diseases among animals. There is at present no law on the subject except the Glanders and Farcy Regulation V of 1091. In an agricultural country like Travancore nothing is more important to the prosperity of the agriculturist than the possession of healthy cattle. It is common knowledge that once an infectious cattle disease breaks out in any locality it works considerable havoc among the cattle and many of them succumb to it. In many cases the ryot finds himself unable to replace them without running into debt. It will therefore be conceded that a law which is likely to give some measure of relief to the ryot by preventing the spread of cattle diseases is desirable. Recently, there was an outbreak of anthrax in Trivandrum, and it was found difficult to prevent the spread of the disease owing to the absence of any law on the subject. It is not thought desirable that the Regulation should apply in the first instance to the whole of Travancore. The Regulation will be made applicable to such parts of Travancore and during such periods as the Government may by a Notification direct. The spread of an infectious or contagious disease is best prevented by keeping the diseased animal aloof from those that are not affected and in a place set apart for them. In places to which the Regulation is made applicable, hospital pounds will therefore be established by the Government which will be placed in charge of Inspectors under the control of the Director of Agriculture. If in such an area any animal is affected with a contagious or infectious disease the owner is to give with all possible speed notice of the fact of the animal being so affected to the nearest Inspector. On receipt of such information, the Inspector goes to the place and, if after the inspection of the animal is satisfied that the animal is affected with such disease, he may direct that the animal be sent to the hospital pound. When the Inspector takes charge of the animal all expenses incurred on account of feeding and medical treatment are borne by the Government. There is however no objection to the owner supplying the necessary food and medicine as may be approved by the Inspector. If the animal recovers, the cost of food and medicine, if incurred by the Government, may be realised from the owner. The Inspector may, if he thinks fit, direct the destruction of the animal. If the animal is killed or dies while in the custody of the Inspector, he shall not be liable for any compensation on account of the same. The Inspector has the power to cause the premises in which any diseased animal may have been kept to be cleansed and disinfected. Omission to give notice to the Inspector or to obey his directions under the Regulation is made punishable. Inspectors of hospital pounds, Police officers not below the rank of a Head Constable and other persons authorised by the District Magistrate in this behalf may seize and impound all diseased animals. If any person is aggrieved by the seizure, he may complain to the Magistrate who, if satisfied that the seizure is illegal, may direct the release of the animal and also award compensation to the party aggrieved for any loss or injury sustained by the seizure. In this respect the Bill follows the provisions of the Cattle Trespass Regulation. The above is the main outline of the Bill, and I trust it will meet with the approval of the Council. I therefore beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Raman Pillai.

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Mr. Subrahmanya Pillai :—

"Sir,

I quite appreciate the anxiety of the Mover as well as of the Government for providing means for the prompt arrest, at the initial stage, of the spread of contagious and infectious diseases among domestic animals. I even think that it is a pity that we had to wait for an outbreak of anthrax in the Public Gardens before we introduce in the Council a Bill of the kind. Anyhow the aim of the Mover is quite laudable, and I cannot but give my cordial support to the principle of the Bill.

But on perusal, the Bill has very much disappointed me. It seems to me to be very defective and one-sided. It is even likely to become vexatious to the public unless several alterations are made in it. I shall take this opportunity to point out some of its defects, as they appear to me, with a view to their alteration at a further stage of the Bill.

First of all, Clause 8 of the Bill stipulates that food and medicines to be given to the impounded patient must be those approved by the Inspector of the hospital pound. I can quite understand the necessity for the separation of the patient from the other animals of the shed; but what is aimed at when the owner is asked to obey the orders of the Inspector with regard to food and medicine, I am at a loss to know. I come from a village in Nanjinad and I know how much belief the ryots of my village and those of the neighbouring villages have in the western system of treatment, and I also think that most of the villagers in Travancore are now more or less of the same opinion. Nor am I bold enough to say that the indigenous system of treatment is not quite efficacious. On the other hand, some of the native medicines have been found to be more effective and less costly. Now, are the people to be compelled to take to a form of treatment which they think to be ineffective if not injurious? Some may take them to be ignorant, but that ignorance is one that demands every respect at our hands. Again, we cannot expect everyone that seeks admission for his bull or buffalo of small value to be rich enough to feed his animal with the costly food recommended by the Inspector. The animal may sometimes be worth 10 or 15 rupees, and the keeper of it may be one who keeps it, not for pleasure or luxury, but for gain. He will be surely one who calculates the amount that can be spent on the animal. I do not think that I can recommend a course by which the keeper may be compelled to spend twice or thrice the actual cost of the animal. These arguments, I hope, will convince you, Sir, that the keeper should on no account be compelled to take to a particular form of treatment and feeding. Let there be no compulsion. Let the Inspector recommend by all means, but let him not force it.

Secondly, I have a few words to say about Clause 9 of the Bill. It gives unlimited powers to the Inspector in charge of the hospital pound. Now, Sir, suppose he destroys an animal without sufficient grounds, but merely for some personal grudge towards the owner of the animal. Is he to be immune from punishment under the shelter of this Regulation? Such unrestricted powers, I think, should never be entrusted to the Inspector whose pay and status must necessarily be low. I would suggest that every such destruction must be preceded by the sanction of the Director of Agriculture and Fisheries and after giving 3 or 4 days' clear notice to the owner in order to enable him to submit to the Director his arguments, if any, against the proposed destruction, prior to the Director's final sanction. In this connection, it should also be borne in mind, that the destruction of animals ailing under incurable diseases is not considered by the Hindus to be a humane action and that we ourselves are not in a position to decide whether allowing a lingering natural death or immediate destruction is more humane.

Then again, Section 11 in the Bill is vague and at the same time it makes the Inspector a source of annoyance to the public. How long is a person who is unfortunate enough to have an attack of infectious or contagious disease in his cattle shed to wait to lead out his other animals for routine work? This Clause does not fix the number of days he should wait but asks the owner on the other hand to wait at the door of the Inspector till the Inspector is pleased to issue two licenses, one to remove the other animals from the shed to another specified place and the other later on granting them freedom. Now, Sir, I shall give you an idea, from my own case, of the difficulties that a ryot will be put to. My own cattle shed contains about 40 heads. Most of them are worked every day, some for ploughing and others for dragging carts. If, during the sowing season, I am compelled to shut them up in the shed without any knowledge whatsoever as to when I can take them out and if I am made to walk about for getting a license to resume my routine work, I cannot adequately express the dismay that I may be put to. My lands will remain uncultivated. All my manure, paddy and other things will remain where they were for want of transport facilities, and I shall have to hire conveyances to take me about including my drive to the Inspector's house or office. So the chief defect that I find in this Clause is that it does not fix the exact number of days for which one should wait for taking out the other cattle. Also, the Clause does not say what one should do when the Inspector fails to issue a license after a reasonable time. I have also to observe that, throughout this Bill, there are provisions for punishing heavily the defaulter who already becomes a looser by the attack of diseases in his cattle shed, while nothing is said regarding the nature of punishment that will be meted out to the authority, namely, the Inspector, for the abuse or misuse of the powers entrusted to him by means of this Bill.

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Clause 12 of the Bill has failed to give the saving Clause which is essential. One may fail to give notice of an attack of disease in his cattle shed through ignorance or through want of sufficient knowledge regarding the nature of the disease that attacks his animal. To punish such a person is undesirable. Hence I would suggest that only persons who fail to give the required notice without sufficient reason should be punished. Again, imprisonment should never be meted out to a defaulter, that being a punishment that should be awarded in the case of heinous crimes. Similarly, I would suggest the removal from Clause 13 of the punishment of imprisonment provided in it. I know of several persons in my own village whose sole wealth in this world is a pair of bulls and a country cart, or two buffalloes with a country plough. These animals, when sick, are sometimes found to be quite obstinate and refuse to walk or sometimes become so weak as to be unable to walk. In such circumstances, he may not be in a position to defray the expenses of the transport of the animal to the hospital pound, perhaps a few miles away. In such cases, is he to pay fine, undergo imprisonment, and at the same time lose his animal by being taken charge of by some Police officer or the Inspector of the pound and subsequently auctioned, even if a cure is effected, to defray the expenses met by the Government. Pray, let there be at least no punishment in such cases. I would therefore suggest the introduction of a saving Clause by which only persons who wilfully and without sufficient cause fail to comply with the orders of the authorities may be punished.

Again, Clause 14 of the Bill empowers the Police to seize and impound all diseased animals. The Police have already a reputation as to how they seize and lock up human beings, I cannot understand the necessity for letting loose the Police upon the poor dumb animals. I am entirely against such a course of action. Most of my friends may not perhaps know the exact amount of terror that a red turban produces in country parts. Again, a Constable is more active for reasons well known to him when he is among the villagers than when he is among the people of a town. Let them have their beats as usual, and let them make an immediate report of all cases of attacks of infectious and contagious diseases of cattle to the nearest Inspector of a hospital pound. I have my own fears whether, if the Police people are entrusted with the power of seizing and impounding cattle, they are not likely to impound, in most cases, the owners also along with the animals.

Now, Sir, to be brief, let there be in the Bill an enhancement of punishment to all those who abuse or misuse the powers given to them under the Bill. Similarly, let there be shown some consideration to all innocent owners of cattle who fail to comply with the provisions of the Bill for sufficient reason or through ignorance. Is there, Sir, any comparison between those who help the spread of contagion and infection among cattle and those who do it among human beings? And yet, how heavily are the former proposed to be punished while the latter are allowed to be quite free. Also, let there be no compulsion as to the particular form of treatment and feeding. I have based all my objections on my experience among the rural population, but at the same time, I have not overlooked the necessity of taking any precaution to arrest the spread of the diseases mentioned in the Bill, especially in towns where costly animals are generally kept. I beg to express the hope that my observations today will receive sufficient attention on the part of my friends here at the further stages of the Bill. As I have already said, I have much pleasure in supporting the principle of the Bill".

Mr. Govinda Menon :—

"I understand that cattle disease generally comes by contact with diseased cattle brought from other parts. There are three outlets, Aramboly, Karakutti near Angamali, and Arienkavu through which foreign cattle are imported into the State. The chief remedy which, as I understand it, will be effective in checking the importation of the diseased cattle, is to impose a sort of quarantine on the animals brought in along those three routes. Then there is also the control of the markets. There are four important markets in South Travancore. There is a like number of them in the Middle and North Travancore. All these Cattle markets should be strictly controlled. At least no cattle should be allowed to be brought in the market unless the person who brings them gets a license from some veterinary authority to be placed in control over these markets. These, I think, are the two chief remedial measures that can be adopted by the Government. The establishment of cattle pounds for the segregation and treatment of the cattle affected by any contagious disease is no doubt a proper and efficient method of dealing with cattle diseases. But it will require a much larger outlay than is allowed at present for the purpose. If the Government are prepared to incur the increased expense, it is well and good ; otherwise, the provisions relating to the establishment and control of these pounds will but increase the volume of the Statute Book. In my opinion, a system of itinerary veterinary hospitals would do much more good than a few permanent stations maintained in a few localities in the State. These itinerary institutions may be moved up to any place according to the needs and requirements of the time and localities affected by any kind of cattle disease. These are a few of the suggestions I wish to make on the Bill, and I hope that they will meet with due consideration at the hands of this Council".

Mr. Subba Aiyar replied as follows :—

"I am glad that the Non-official Members have supported the principle of the Pill. may say that their suggestions will be duly considered by the Select Committee."

Mr. Subba Aiyar's motion was carried.

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Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Chacko, Subrahmanya Pillai and the Mover, to report within two months.

Seconded by Mr. Mahadeva Aiyar.

Carried.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

Mr. Subba Aiyar then introduced a Bill to amend the Revenue Recovery Regulation, I of 1068, and spoke as follows :—

"Sir,

I beg to introduce a Bill to amend the Revenue Recovery Regulation I of 1068. The object of the Bill is to remove the defects in the law regarding the realization of arrears of land revenue. Clause 1 defines 'land holder' and extends its meaning so as to include a real owner of the property though he may not be a registered holder or *Pattadar*. This amendment has been necessitated by the rulings reported in 1 T. L. J., Page 26, and 30 T. L. R., Page 50. In the first case, the question was whether the real lessee of a *Kandukrishy* land could be regarded as a defaulter when the registered lessee was a different individual. Following the decisions reported in 30 Mad. 35, and 33 Mad. 41, it was held that a registered *Pattadar* and none else could be regarded as a defaulter. 1 T. L. J., 26 was followed in 30 T. L. R., 50, where the question was whether the son of a registered holder and a co-owner in possession of a property may be regarded as a defaulter. The decision in these cases has created some difficulty in the realization of arrears. In some instances it may be that the registry holder is dead and, owing to a dispute among the heirs, a transfer of *Patta* may not have been effected. It may also be that though the registry holder is alive the property has been transferred to one or more individuals who have thereupon become the proprietors of the property. As the law stands at present, the Government cannot compel the real owner to pay the revenue. The logical effect of the rulings will also be to put the registry holder and the real owners to inconvenience and difficulty. If the registry holder pays the amount with the hope of recovering it from the real owner in possession of the property, the Courts won't give him relief on the ground that he is the person bound to pay and that his payment should be considered voluntary. This was the ruling in 33 Mad. 41. Similarly, if a *Pattadar* sells his properties under a *Patta* to two individuals and one pays the whole of the tax under the *Patta* and sues the other owner for contribution, he may not get a decree as it may be held that he is not under a statutory obligation to pay the tax. (*Vide* 30 Mad. 35). The law as it stands now is therefore according to the later rulings unsatisfactory. It is therefore thought desirable to amend the definition of 'land holder' so as to include persons other than *Pattadars*. This amendment is quite in keeping with the view expressed in the earlier Madras rulings. In 11 Madras 452 at Page 457, Justice Muthuswamy Aiyar observed as follows :— "As I read Act II of 1864 and the prior Regulations which were consolidated by "it, the arrear of revenue is a debt due by a real owner of the land and it is a charge on the "whole and every part of the holding registered as one estate for purposes of revenue. As to "registered holders, they and their property are declared liable at the option of Government in "order that Government may not be hampered in the collection of revenue by being compelled "to hold a complicated enquiry as to real ownership on each occasion when the revenue is in "arrears. The right which the Government has to proceed against the registered proprietors "does in no way alter the liability of the real owner or of his holding for the arrears of "revenue." This decision was expressly followed in 17 Madras 247 and by Munro J. in 19 Madras Law Journal, Page 275. As the definition of 'land holder' has been amended, and as it is the land holder that is bound to pay the revenue and if he is in arrear he becomes a defaulter, it is not thought necessary to define the term defaulter separately.

Clause 2 gives legal validity to the existing practice whereby the Proverthicar and Village Accountant are both entrusted with the collection of revenue.

Clause 3. Section 31 gives a charge on the land to persons interested if they pay the revenue on behalf of the *Pattadar*. These persons are tenants and mortgagees or other incumbrancers. A person who, *bona fide*, though mistakenly, claims an interest in land may, in case of dispute, pay the revenue to prevent the sale of the land. Though ultimately it may turn out that he has no claim over the land, it is necessary that he should get a charge on the land to protect which he paid the money out of his pocket. The Clause however makes a difference between such persons and mortgagees or other incumbrancers in one respect. While in the case of mortgagees or other incumbrancers it is regarded as a debt due from the mortgagor and makes the mortgagor personally liable, in the case of *bona fide* but unsuccessful claimants no personal remedy is given. To give him such a personal remedy against his successful rival would be "to arm him with a power of oppression of which he would certainly avail himself and which he should not possess."

Clause 5 introduces a new provision by following Section 307 A of the Civil Procedure Code. The owner or any person interested is given a last chance of saving the property.

Clause 8 amends Section 51. The Section as it originally stood required the existence of an arrear as a condition precedent to give the Revenue officer jurisdiction to proceed under the Regulation. If therefore there was in fact no arrears, the Section would not apply, and it was held in 25 T. L. R. 233 that the period of limitation to set aside the sale will be 12 years. As this decision would seriouly affect the operation of the Regulation, the Section was amended by

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